

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
WEDNESDAY, MARCH 23, 1988, 7:30 P.M.

Mayor Jonathan B. Howes called the meeting to order. Council Members present were:

- David Godschalk
- Joe Herzenberg
- David Pasquini
- Nancy Preston
- Arthur Werner
- Roosevelt Wilkerson

Council Members Andresen and Wallace were absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Public Hearing on North Carolina Memorial Hospital Parking Deck  
Special Use Permit Modification

Citizens wishing to speak to this item were sworn in by the Town Clerk.

Manager Taylor requested that Agenda Memo #1, "Request to Modify Special Use Permit for N.C. Memorial Hospital Parking Deck (SUP-73-1)," dated March 23, 1988, be entered into the record of this hearing, along with the following:

- Applicant's Project Fact Sheet
- Applicant's Statement of Justification
- Applicant's Traffic Impact Report

Roger Waldon, Planning Director, said that the application was from the University to modify the existing Special Use Permit for the N.C. Memorial Hospital Parking Deck to change the stipulation which stated that all parking spaces in the deck be completely reserved for patients and visitors by June 30, 1988. He stated that in 1978 the Council approved a Special Use Permit for the deck. He said it had been expected that increased patient demand for parking would result in the deck being 100% used by patients and visitors by June, 1988. He said that the University had evaluated the current situation and felt that there was not the demand expected. Mr. Waldon stated that the majority of parking spaces in the deck were reserved for patients and visitors with only 465 of the 1255 spaces used for employees. He said that the status of other parking facilities in the area was uncertain, and there was a need for additional parking spaces. He said the staff felt that in this period of uncertainty it was appropriate to allow flexibility in the management of available parking

resources. Mr. Waldon said the staff recommended achieving the flexibility by delaying until June 30, 1993 the date for full conversion of the deck to patient/visitor parking; stating the objective of maximizing use of the deck for patient/visitor parking; and requiring annual reports that describe the match between demand for patient/visitor parking and the allocation of spaces.

Gene Swecker, UNC Associate Vice-Chancellor for Facilities Management, said the University supported the Manager's and Planning Board's recommendation for the adoption of Resolution A. He said the University would like to have the flexibility to manage the parking deck to meet the demands as they arose.

Alan Rimer, representing the Planning Board, said the Board had voted unanimously to recommend adoption of Resolution A. He said the Board especially liked the requirement of an annual report on the use of the parking spaces.

Manager Taylor said his preliminary recommendation was for the Council to adopt Resolution A, approving the modification.

Richard Wolfenden, speaking as a resident of Mason Farm Road, said that he had no serious objection to the proposal.

Council Member Godschalk said the Council was to consider an ordinance dealing with traffic management in the near future and had received correspondence from the University indicating the University's concern about how the proposal would apply to their situation. He said that the concern when the initial SUP was approved for the parking deck, seemed to be to try to reduce traffic by imposing certain conditions and deadlines. He said in light of the new approach how the proposed change in the deadline would apply. Mr. Waldon said the staff was looking at ways to integrate the University's traffic concerns with the Town's proposal for a traffic management ordinance. He stated that one of the features of the recommendation for approval of the modification of the SUP was the stipulation for information on how the deck was being managed. He said he felt with the Town would be able to use this information in analyzing parking needs. Mr. Waldon said he did not see the recommendation as a blanket approval for a five year extension.

Council Member Godschalk commented that the Town would not have any authority to intervene in the management of the parking deck. Mr. Waldon said that he felt action would be available to the Council. He stated that the annual report would be a way to certify on an annual basis that the condition that the deck be optimized for patient/visitor use was being met. He said that if the information indicated that the deck were not being managed in a way that optimized patient/visitor use then the finding would be that the deck was not meeting the conditions of the SUP.

Council Member Godschalk asked if there could be language added to the SUP which would relate to the proposed traffic management ordinance which was not just maximizing patient/visitor use but also attempting to reduce traffic throughout the community by other means. Mr. Waldon said that the hospital was involved in a number of the kinds of initiatives the proposed traffic management ordinance in the draft form called for in terms of flexible working hours, encouraging use of the transit system, etc.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Public Hearing on Development Ordinance Text Amendment on Joint Planning Transition Area Representatives for Planning Board and Board of Adjustment

Roger Waldon, Planning Director, stated that this public hearing was to discuss a proposed development ordinance text amendment to change the membership of the Planning Board and Board of Adjustment in accordance with the Joint Planning Agreement. He said that the adopted Joint Planning Agreement called for the application of Chapel Hill development standards within Chapel Hill's Transition Area and the appointment of Transition Area representatives to the Town's Planning Board and Board of Adjustment. He stated that the staff proposed three options: 1) appointment of Transition Area representatives with no increase in the total number of Board members (8 Town appointees, 1 Extraterritorial Zoning Jurisdiction [ETJ] appointee, 1 Transition Area appointee); 2) appointment of Transition Area representatives by increasing the total number of Board members; and 3) appointment of Transition Area representatives with no increase in number of members (7 Town appointees, 2 ETJ appointees, 1 Transition Area appointee - Board of Adjustment would also include 1 Transition Area alternate appointee). He said that the discussions to date did not favor increasing the size of the Boards. Mr. Waldon said the Planning Board and Manager recommended option 1 with a 7-2-1 division of membership. He said the proposal had not been before the Board of Adjustment as the Board did not normally make recommendations on legislation before the Council. He said that since the proposal did have an effect on the composition of the Board of Adjustment, several of the Board's members had commented that they would like to have review the proposal and offer comments. He said the Board of Adjustment did not have a meeting in March but would meet on April 6. Mr. Waldon suggested that in order for the Board of Adjustment to consider the proposal, the Council could direct the staff to bring this item back to the Council for action on April 28 instead of April 11.

Alan Rimer, representing the Planning Board, said the Board had voted (6-3) to recommend Option 1 because it was more representative of the land mass. He said the Board also felt the process would change over time and that within the next five to ten years all the areas would be within the Town's service area.

Council Member Godschalk asked what would happen when the Transition Area was reduced in size. Mr. Rimer responded that the Board felt the Transition Area would shrink within five years and therefore the ordinance would have to be amended at that time.

Council Member Godschalk said the Attorney might draft some language that would enable the Council to appoint a person whose residence at the time of appointment was in the Transition Area but that the Council would not necessarily have to, as the area shrank, find someone new.

Manager Taylor said his preliminary recommendation was that the Planning Board membership be 7-2-1 and the Board of Adjustment regular membership be 7-2-1 and alternate membership be 1-1-1 and that the Council consider action on this proposal at the April 28 regular meeting.

Gay Eddy, speaking as a citizen, said that the Board of Adjustment was different and that it was important that a full Board be present at its meetings because of the requirement for a concurring vote of 4/5 of the total membership for a variance to be granted. She also said applicants to the Board of Adjustment were not normally numerous. She asked what would happen when the Transition Area was reduced and the representative from that area was then within the Town limits. She asked if this meant that seat needed to be filled by someone still within the Transition Area. Ms. Eddy said the Charter indicated that the total composition of the Board was ten and therefore Options 1 and 2 might require a Charter change. She said Option 3 would mean that 5 of the 13 members would be appointed by the Orange County Board of Commissioners and she felt this number was high, especially as most of the cases heard by the Board of Adjustment were on property within the Town limits. Ms. Eddy said she would prefer that the Board's regular appointees remain the same and have two Town alternates and one County alternate from either the Transition Area or ETJ. She also said the Board of Adjustment would also like to have the opportunity to review the proposal.

Robert Joesting, speaking as a citizen, said he felt the Board of Adjustment should be given the opportunity to express their opinion on the proposal. He said he was not in favor of increasing the number of members on the Board. He said the ETJ members represented 607 citizens each, while the Town members represented 5121 citizens each. He said he favored either Option 1 or 3. He said he would prefer to have the Option 3 (7-2-1 division) with the inclusion that this be reviewed in a couple of years in terms of acreage and population distribution to see if Option 1 might make more sense, and to have 4 alternates, 2 from the Town, 1 from ETJ and 1 from the Transition Area. He stated that he did not think a Charter change would be needed to add alternates because the Board was authorized to have as many alternates as regular members.

Council Member Herzenberg said the members should represent people and not land and therefore he felt Option 1 should be approved. He said this would mean there would be less need for change as areas within the Transition Area were annexed into the Town.

Council Member Godschalk asked if it were necessary to have the same division of membership for the Planning Board and Board of Adjustment. Manager Taylor replied no.

Mayor Howes asked if the size of the Board of Adjustment was fixed by the Town Charter. Attorney Karpinos said that he had not checked this information but that he believed that the Town could operate under the Charter or General Statutes.

Council Member Werner said that some good points had been made in that the Board was having difficulty getting individuals to attend the meetings then the Town may be putting itself in the position of trying to find two people in the ETJ to serve and rarely getting those individuals to attend the meetings.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (7-0).

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting adjourned at 8:21 p.m.

